

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

DONNIE JOE BACON, )  
)  
Petitioner, )  
)  
vs. )  
)  
MARTY SIRMON, )  
)  
Respondent. )

**FILED**  
APR 13 2006  
ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY KS DEPUTY  
No. CIV-05-510-W

**ORDER**

On March 14, 2006, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the Attorney General of the State of Oklahoma ("Attorney General") be dismissed as a respondent. Petitioner Donnie Joe Bacon has conceded that the Attorney General was improperly named [Doc. 34], and he has not objected to the Report and Recommendation.

Upon de novo review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of the Attorney General's request for dismissal.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on March 14, 2006;
- (2) GRANTS the Attorney General's request for dismissal set forth in the respondents' Response [Doc. 11] filed on July 5, 2005; and
- (3) hereby DISMISSES the Attorney General as a respondent in this matter.

ENTERED this 13<sup>th</sup> day of April, 2006.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE